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273/2664

PATENT
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Applicants: Thomas N. Giaccherini, et al.

Examiner:

FEB 05 2002

Serial No.: 09/579,324

Technology Center 2600

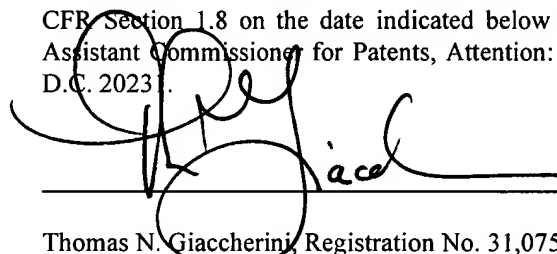
Group Art Unit: 2731

Title: **Method for Utilizing
Excess Communications Capacity**

Filed: 25 May 2000

CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Assistant Commissioner for Patents, Attention: BOX DD, Washington, D.C. 20231.



Thomas N. Giaccherini, Registration No. 31,075

Date 25 Jan
2002.

FIRST DISCLOSURE STATEMENT

The Assistant Commissioner for Patents
Box DD
Washington, D.C. 20231

Sir:

The Applicants submit this First Disclosure Statement and completed Form PTO/SB/08A for their pending U.S. Patent Application. The documents listed in this First Disclosure Statement were cited in an International Search Report from the European Patent Office for a corresponding PCT International Patent Application which was mailed to the Applicants on 19 December 2001. A copy of the EPO ISR accompanies this First Disclosure Statement.

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DISCLOSURE DOCUMENTS

U.S. Patent No. 5 864 557 issued to Lyons discloses a transport stream encoder, which comprises a plurality of component signal sources.

PCT International Patent Application Publication No. WO 97/18651 owned by Hughes Aircraft Company discloses a method and apparatus for an adaptor card for use in a computer to provide conditional access by the computer to incoming data streams. A copy of this document accompanies this First Disclosure Statement.

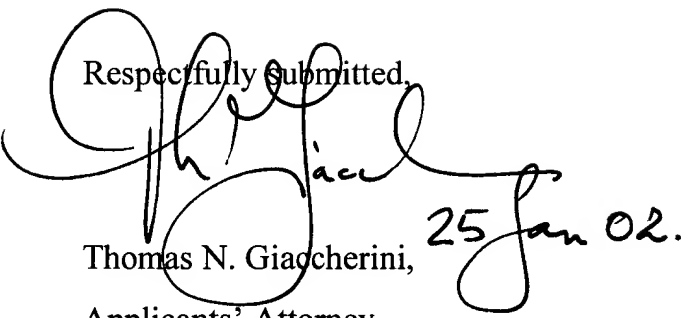
CERTIFICATION

Each item of information contained in this First Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this First Information Disclosure Statement.

CONCLUSION

The Applicants submit that none of the documents described above disclose the Invention as claimed in the present Patent Application. The Applicants believe that no fee is required to submit this First Disclosure Statement.

Respectfully Submitted,


Thomas N. Giaccherini,
Applicants' Attorney

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Mailed to the United States Patent Office

on Friday, 25 January 2002 with a Rule 8 Certificate.